IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16628 of 2004

Between:
K. Padmavathi W/o. Pursushotham
Nerrimetla Village, Uravakonda Mandal,
Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Anantapur.
2 The Mandal Revenue Officer, Uravakonda, Anantapur District.
3 The Joint Collector, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Certiorari calling for the connected records including the impugned order of the first respondent in RC.No.D1/CS/746/2004 Dt. 16.8.2004 and the proceedings of the second respondent in Rc.No.K4/ATP/990/2004 dt. 25.8.2004 and quash the same as illegal, improper, unjust, arbitrary and contrary to law.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Petitioner is an authorised dealer in respect of Fair Price Shop of Nerrimetla village, Uravakonda Mandal, Anantapur District. Her authorisation has been suspended by the Revenue Divisional Officer, Anantapur, by proceedings dated 16.08.2004, pending enquiry into the alleged irregularities in distribution of the essential commodities. Under the same order, the petitioner was also called upon to explain the allegations specified thereunder. The petitioner states that immediately she filed her explanation denying all the allegations made thereunder. However, the Revenue Divisional Officer has not passed any order so far. In the meanwhile, the petitioner preferred an appeal before the Joint Collector, Anantapur, on 24.08.2004 along with an application requesting for stay of the order of suspension dated 16.08.2004. The Joint Collector on the very next day i.e., on 25.08.2004 while refusing to grant stay, disposed of the appeal itself directing the Revenue Divisional Officer to complete the enquiry at the earliest. Aggrieved by the said order dated 25.08.2004, this writ petition is filed.

I have heard the learned counsel for the petitioner

and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contends that all the allegations made against the petitioner in the order of suspension dated 16.08.2004 are false and baseless and at any rate they are trivial in nature, and therefore, the order of suspension is not at all warranted. Further contention of the learned counsel is that the impugned order of the third respondent in dismissing the appeal without affording any opportunity to the petitioner and without considering any one of the grounds raised in the appeal, is arbitrary, illegal and in violation of the principles of natural justice.

A perusal of the impugned order dated 25.08.2004, shows that the third respondent has passed the order mechanically without referring to any one of the contentions raised by the petitioner. It is also clear that no opportunity was afforded to the petitioner before passing that order. The third respondent being the competent authority to hear the Statutory Appeal ought to have disposed of the same after affording due opportunity to the petitioner and particularly after considering the question whether suspension of the authorisation is warranted in the facts and circumstances of the case. In the circumstances, the impugned order which is not only cryptic and not supported by any

reasons but also in violation of the principles of natural justice cannot be sustained. Accordingly, the said order is set aside and the third respondent is directed to consider the appeal afresh after notice to the petitioner and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

The learned counsel for the petitioner states that for the month of August, 2004, the petitioner has distributed the essential commodities to the cardholders but for the month of September, 2004, the respondents have not released the commodities in view of the impugned order of suspension.

Having regard to the nature of allegations and taking into consideration the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a further direction to the respondents to allow the petitioner to distribute the essential commodities for the month of September, 2004.

Accordingly, the writ petition is disposed of. No costs.

16.09.2004

VGB

To

1 The Revenue Divisional Officer, Anantapur.
2 The Mandal Revenue Officer, Uravakonda, Anantapur District.
3 The Joint Collector, Anantapur.
4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)
5 2CD copies